

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

§

§

v.

§

CRIMINAL NO. 6:10CR73(01)

§

JASMEON DECOLE O'QUINN.

§

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On December 13, 2013, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Jasmeon Decole O'Quinn. The government was represented by Allen Hurst, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Ken Hawk.

Pursuant to a written Plea Agreement, Defendant pled guilty to the offense of Felon in Possession of Ammunition, a Class C Felony. This offense carried a statutory maximum imprisonment term of 10 years. The United States Sentencing Guideline range, based on a total offense level of 17 and a criminal history category of V, was 46 to 57 months. On May 10, 2011, Chief District Judge Leonard Davis sentenced Defendant to 48 months of imprisonment followed by 3 years of supervised release subject to the standard conditions of release, plus special conditions to include substance abuse testing and treatment. Defendant completed the term of imprisonment and began his period of supervised release on May 31, 2013.

Under the terms of supervised release, Defendant was required to submit monthly supervision reports, submit to monthly drug testing, and notify the U.S. Probation Office of any change in employment. In its petition, the government alleges that Defendant violated his term of supervised release by failing to submit a monthly supervision report for July, September, and October of 2013; failing to report a change of employment to the U.S. Probation Office; and

failing to submit a urine sample on July 20, 2013, July 25, 2013, August 12, 2013, September 28, 2013, and November 12, 2013.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by failing to submit monthly supervision reports, failing to submit to drug testing, and failing to notify the probation office of his change in employment, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). Upon a finding of a Grade C violation, the Court may revoke probation or supervised release; or extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(1). Considering Defendant's criminal history category of V, the Guideline imprisonment range for a Grade C violation is 7 to 13 months. U.S.S.G. § 7B1.4(a).

At the hearing, Defendant pled true to the allegations set forth above. The government recommended custody for 12 months plus one day with no supervised release.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Jasmeon Decole O'Quinn be committed to the custody of the Bureau of Prisons for 12 months plus one day with no supervised release to follow. The Court recommends incarceration at FCI Texarkana, Texas.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to Chief District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 18th day of December, 2013.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE